

FILED
GREAT FALLS DIV.

2009 AUG 3 PM 1 56

PATRICK E. DUFFY, CLERK
BY _____
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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

CURTIS SULLIVAN,

Plaintiff,

No. CV 09-39-GF-SEH

vs.

DR. GIANARELLI, et al.,

Defendant.

ORDER

On July 7, 2009, United States Magistrate Judge Keith Strong entered Findings and Recommendation¹ in this matter. Plaintiff did not file objections. No review is required of proposed findings and recommendations to which no objection is made. Thomas v. Arn, 474 U.S. 140, 149-152 (1986). However, this Court will review Judge Strong's Findings and Recommendation for clear error.

¹ Docket No. 5.

Upon review, I find no clear error in Judge Strong's Findings and Recommendation and adopt them in full.

ORDERED:

1. The Complaint² is DISMISSED WITH PREJUDICE for failure to state a claim and comply with an order of the Court.
2. The docket shall reflect the filing of this action constitutes one strike under 28 U.S.C. § 1915(g).
3. A certificate of appealability is DENIED. Any appeal from this disposition will not be taken in good faith due to the frivolous nature of the issues raised.

The Clerk is directed to enter judgment accordingly.

DATED this 3rd day of August, 2009.



SAM E. HADDON
United States District Judge

² Docket No. 2.